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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BROOKLYN OFFICE

MANCHESTER MARINE UNDERWRITERS
LIMITED, as subrogee of MARGUCCI
INTERNATIONAL INC.,

Plaintiff,

COMPLAINT

- against -

QATAR AIRWAYS,

Defendant.

PAGER, J.
J. ORENSTEIN, M.J.

Plaintiff Manchester Marine Underwriters Limited, as subrogee of Margucci International Inc., by its attorneys, Tell, Cheser & Breitbart, as and for its complaint, respectfully states as follows:

1. Plaintiff Manchester Marine Underwriters Limited, in care of Donald Yick Associates, 350 Fifth Avenue, New York, New York, is an insurer organized under the laws of the United Kingdom.

2. Margucci International Inc. is a New York corporation with its principal place of business at 1527 15th Street, Brooklyn, New York.

3. Upon information and belief, defendant Qatar Airways is a foreign business corporation with its principal place of business at Qatar Airways Tower, Doha, Qatar.

4. Upon information and belief, defendant Qatar Airways maintains offices at 725 Fifth Avenue, New York, New York and at Terminal 4, Kennedy International Airport, Jamaica, New York.

5. Upon information and belief, defendant Qatar Airways regularly solicits and does business in New York, and derives substantial revenue from services provided in New York, and from interstate and international commerce.

6. Upon information and belief, defendant Qatar Airways holds itself out as a common carrier of cargo by air in international commerce.

7. This Court has subject matter jurisdiction and is a proper venue pursuant to 49 U.S.C. §40105 and the Warsaw Convention because this action arises out of damage to an international air shipment, the final destination of which was Kennedy International Airport, Jamaica, New York.

8. On or about November 3, 2008 at Karachi, Pakistan, shipper I.F. Traders delivered a shipment to defendant Qatar Airways or its agent for transportation to Margucci International Inc., at Kennedy International Airport, Jamaica, New York, pursuant to Qatar Airways master airway bill number 157-11144361.

9. The shipment, consisting of 7,464 men's jackets weighing 4,637.80 kilograms, was delivered to Qatar Airways in

good, undamaged condition and was received by Qatar Airways or its agent without exception.

10. On or about November 4, 2008 at Kennedy International Airport, Jamaica, New York, defendant Qatar Airways or its agent purported to deliver the shipment to consignee Margucci International Inc. or its agent.

11. However, when defendant Qatar Airways or its agent purported to deliver the shipment to consignee Margucci International, the shipment was not in the same good order and condition as when first received by Qatar Airways in Karachi, Pakistan; on the contrary, the cartons comprising the shipment had been opened and crushed, and the shipment was short, pilfered and damaged.

12. Plaintiff Manchester Marine Underwriters Limited, as insurer, paid \$81,459.00 to Margucci International Inc. for the loss and damage to the shipment and brings this action as subrogee.

13. Manchester Marine Underwriters Limited mitigated its damages and realized \$11,044.54 in salvage.

14. Margucci International Inc. and Donald Yick Associates, on behalf of Manchester Marine Underwriters Limited, gave timely and sufficient written notice of loss and damage to, and filed timely and sufficient written claims against, defendant Qatar Airways.

15. By reason of the foregoing, defendant Qatar Airways is liable to plaintiff Manchester Marine Underwriters Limited in the amount of \$70,414.46, no part of which has been paid, despite due demand.

Wherefore, plaintiff Manchester Marine Underwriters Limited demands judgment against Qatar Airways in the amount of \$70,414.46 with interest from November 3, 2008 and the costs and disbursements of this action.

Dated: Garden City, New York
November 23, 2009

Tell, Cheser & Breitbart
Attorneys for Plaintiff

By:



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